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BAY AREA  
AIR POLLUTION CONTROL DISTRICT  
1480 Mission Street  
San Francisco 3, California  
KLondike 2-1300

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
March 4, 1964  
10:00 A.M.

1480 Mission Street  
San Francisco 3  
California

M I N U T E S

A regular meeting of the Board of Directors of the Bay Area Air Pollution Control District was held on March 4, 1964, with the following members present:

Dr. Charles W. Aby, Kenneth G. Cheatham, T. Louis Chess,  
Sam Della Maggiore, William Gness, Sidney D. Herkner,  
James P. Kenny, Alberto E. Merrill, and Leland W. Sweeney.

BOARD MEMBERS ABSENT: William C. Blake, Clarence D. Erickson,  
Mrs. Clarissa S. McMahon.

ADVISORY COUNCIL MEMBER PRESENT: William B. McCormick.

HEARING BOARD MEMBERS PRESENT: E. Spencer Bodine, Joseph G. Hunter.

STAFF MEMBERS PRESENT: D. J. Callaghan, Matthew S. Walker,  
Thomas Brennan, Kevin Maloney, Dr. H.  
C. Wohlers, and Mabel Harder.

INSTITUTE OF GOVERNMENTAL  
STUDIES

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Chairman Merrill called the meeting to order at 10:10 A.M.

Mr. Callaghan informed the Board that Mr. Erickson was indisposed and therefore could not attend this meeting, and that Mrs. McMahon was out of the city and that she expected to be present at the next Board meeting.

On motion of Mr. Della Maggiore, seconded by Mr. Kenny, the Minutes of February 5, 1964, were unanimously approved.

REPORT - BUDGET & FINANCE COMMITTEE  
Leland W. Sweeney, Chairman

Mr. Herkner was called on to make the report. He stated that the Committee had met prior to the Board meeting and that they recommended adopting a resolution transferring funds from the Permanent Salary Account to the Hearing Board Expenses Account in the amount of \$600. Mr. Walker pointed out that transfer of funds needed the approval of ten members of the Board and that since only eight were present, this matter would have to be deferred until the next Board meeting. It was so ordered.

Mr. Herkner further informed the Board that due to the heavy workload in the Controller's office they were unable to furnish financial statements for the months of December and January for this meeting.

Mr. Cheatham arrived at 10:15 A.M.

Mr. Sweeney moved the report be accepted; seconded by Mr. Gness, unanimously carried.

REPORT - CHIEF ADMINISTRATIVE OFFICER  
Mr. D. J. Callaghan

Mr. Callaghan called attention to the Budget Calendar for Fiscal Year 1964-65, stating the Budget & Finance Committee would be meeting on May 13th and May 20th to review the proposed budget, which would then be presented to the Board at the June meeting.

Mr. Callaghan further called attention to the report, Compliance Schedule Status as of February 27, 1964, and to a correlating chart, advising that there has been an increase in compliance of firms from 2313 to 2653 during the month. He stated enforcement activities in the incineration field would be increased, particularly with respect to apartment houses. On inquiry from Mr. Herkner with respect to the number of firms not in compliance in the metal fabricating industry, Mr. Callaghan explained that the Technical Division had just completed a criteria for this industry's compliance for use by the Enforcement Division and that field work on this category would now be increased.





Mr. Callaghan referred to the Technical Services Division monthly report, Oxidant Trend Study, Enforcement Division report, PI&E Division Report, and report on Expenses Incurred by the Staff. On inquiry from Dr. Aby, Mr. Callaghan advised that reinspection is being done in Marin County at this time by the Enforcement Division, but that reinspection is not being done in any of the other counties to any great degree because of the lack of personnel.

Mr. Callaghan in reporting on the situation with respect to Paint Darkening in the Point Richmond and Atchison Village Areas of the City of Richmond stated that the three firms in the industrial complex had furnished to the District, as requested, some information on what action would be taken by them to reduce hydrogen sulfide emissions, but that the information was not as specific as the District staff expected. He further reported that the District's two monitoring stations were still getting high concentrations of hydrogen sulfide but that there hasn't been any additional paint darkening noticed. Mr. Callaghan stated that the District staff had met again last week with the companies, at which meeting the companies agreed to establish monitoring stations at two locations. On inquiry from Mr. Kenny, Dr. Wohlers advised that the balloon put into the atmosphere by Standard Oil Company is monitoring wind direction and the amount of hydrogen sulfide in the atmosphere as compared to that at ground level. Mr. Chess inquired if the legislators from Contra Costa County have been informed of the seriousness of the situation and Mr. Callaghan assured him he has talked with them and informed them of all the special projects undertaken by the District in that County.

On inquiry from Mr. Gness as to the fire training school at Hamilton Air Force Base, Mr. Callaghan stated that they have a definite schedule for conducting this school and that the Base is cooperating with the District in all other matters concerning air pollution.

Mr. Callaghan called attention to the report, Relationships of Bay Area Health Departments to the Bay Area Air Pollution Control District and the State Health Department - Statement of Bay Area Health Officers. He then read a letter from Dr. Allen H. Sherman, Chairman of the Air Pollution Committee of the San Francisco Medical Society, in which the Society offered to make available certain of their members to speak before the lay public on the subject of health and air pollution. Mr. Callaghan called on Mr. William B. McCormick, Chairman of the Public Health Committee of the Advisory Council for comments on the Health Officers statement. Mr. McCormick stated it was gratifying to see what the Public Health Officers have done and that it is an important step towards making the public aware of the seriousness of the problem. He further stated that his Committee has been working along these same lines.







Mr. Callaghan in reporting on the difficulty in obtaining a radio frequency from the Federal Communications Commission advised that the State of California has made application for such a frequency in the District's behalf. He stated the local office of the FCC has approved the application and that it is hoped it will be approved in Washington, D.C. within 30-60 days.

Mr. Callaghan went on to report on his trip to Washington, D.C. to attend the meeting called by the U. S. Public Health Service for the purpose of discussing the problems involved in the grants-in-aid section of the recently legislated Cleaner Air Bill. He stated ten people attended this meeting. He informed the Board that  $4\frac{1}{2}$  million dollars would be available to the 50 States for the purpose of establishing new programs and for improving existing programs. He stated that as far as the District is concerned, on the basis of which the aid is granted, the District would be entitled to three times the increase in the budget for the coming fiscal year, but that such budget increase must be devoted to a specific program before the aid can be received. Mr. Callaghan pointed out that the Controller has ruled that the District cannot accept funds for the general operation of the District unless it reduces by like amount those funds received from the Counties. Therefore, he stated, any money received from the Federal Government for general operation would not increase the effectiveness of the District, as there would be no net gain of funds. However, he stated he would discuss the matter further with the Controller. Mr. Callaghan suggested that the District might ask the State Legislature in 1965 to clarify the Law so that the District could take advantage of these funds if it is deemed advisable to accept them, in which Mr. Chess concurred. Mr. Callaghan further stated that these Federal funds would be used to encourage the formation of other air pollution control districts.

Mr. Callaghan reported to the Board on the situation with respect to the proposed tax increase. He stated that after the District Board adopted the resolution favoring the tax increase which was forwarded to the Governor in January, he and two members of the Board met with a Senate legislator in February. He stated that a further meeting was held with the legislators from the six counties, at the conclusion of which the legislators informed him they had decided not to ask the Governor to put the matter on call, but that if he did they would support it. Mr. Callaghan further informed the Board that the Boards of Supervisors of Santa Clara, San Mateo and Marin Counties had passed resolutions favoring a tax increase and had so notified the Governor, and that the other three counties have not taken action but that he felt confident they would if the Governor put the matter on call. Mr. Sweeney informed the Board that he felt sure the Alameda County Board of Supervisors would take affirmative action if the Governor put the matter on call. Mr. Della Maggiore stated he felt there should be unanimity of action of all six counties in this matter, in which Mr. Chess concurred.



Mr. Callaghan reported on the activities of the Board of Directors during the past year. He stated that the Board had held 12 regular meetings and 4 special meetings. The Board had approved the annual budget and the annual report. He also reported on the activities of the various committees and the progress of the various projects. He concluded by stating that the Board was proud of the accomplishments of the past year and was confident that the future was bright.

Mr. Callaghan then turned to the report of the Finance Committee. He stated that the committee had reviewed the annual budget and found it to be reasonable and realistic. He also reported on the activities of the various departments and the progress of the various projects. He concluded by stating that the Finance Committee was satisfied with the performance of the various departments and was confident that the future was bright.

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Mr. Callaghan then turned to the report of the Education Committee. He stated that the committee had reviewed the annual report and found it to be comprehensive and informative. He also reported on the activities of the various departments and the progress of the various projects. He concluded by stating that the Education Committee was satisfied with the performance of the various departments and was confident that the future was bright.



Mr. Callaghan further advised that a letter had been received from the Governor's Legislative Secretary, Mr. Paul Ward, stating the matter would not be put on call because it was not an emergency measure. Mr. Callaghan stated, however, that he had just been informed that the Governor would meet with a small contingent from the Board on March 13th to discuss the matter. Chairman Merrill advised that those who would be appointed to attend this meeting would be advised by mail.

REPORT - DISTRICT COUNSEL  
Mr. Matthew Walker

Mr. Walker referred to his report, Cases Before the Hearing Board and Superior Court; Office Conferences, calling specific attention to the cases of Ocean View Lumber Company, Pacific States Steel Corporation, FMC Corporation, Flora Crane Service, Inc., John Morrell & Company, Bernheim, Trumbull Asphalt Company, Lees and Hartman, Santa Clara Valley Water Conservation District, and The Atherton Club.

Discussion was held on the air pollution problems of Ocean View Lumber Company, Mr. Chess suggesting that the District impress on the firm that they should make every effort to be in compliance within a reasonable time.

COMMUNICATIONS  
Secretary Aby

Dr. Aby reported there were no communications.

There being no further business to come before the Board, on motion of Mr. Chess, seconded by Mr. Della Maggiore, unanimously carried, the meeting adjourned at 11:30 A.M.

Respectfully submitted,

Dr. Charles W. Aby  
Secretary, Board of Directors.





BAY AREA  
AIR POLLUTION CONTROL DISTRICT  
1480 Mission Street  
San Francisco 3, California  
KLondike 2-1300

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
June 10, 1964  
10:00 A.M.

1480 Mission Street  
San Francisco 3  
California

M I N U T E S

A regular meeting of the Board of Directors of the Bay Area Air Pollution Control District was held on June 10, 1964, with the following members present:

Dr. Charles W. Aby, Kenneth G. Cheatham, T. Louis Chess, Sam Della Maggiore, Clarence D. Erickson, William Gnoss, Sidney D. Herkner, James P. Kenny, Clarissa S. McMahon, Alberto E. Merrill, Leland W. Sweeney.

BOARD MEMBER ABSENT: William C. Blake.

ADVISORY COUNCIL MEMBERS PRESENT: Dr. Grace Talbott, Chairman; Walter Gilpin.

HEARING BOARD MEMBERS PRESENT: E. Spencer Bodine, Joseph G. Hunter.

STAFF MEMBERS PRESENT: D. J. Callaghan, Matthew S. Walker, John T. Donovan, Leslie Hood, Kevin Maloney, Dr. H. C. Wohlers, and Mabel Harder.





Chairman Merrill called the meeting to order at 10:10 A.M.

On motion of Mr. Chess, seconded by Mr. Della Maggiore, the Minutes of May 6, 1964, were unanimously approved.

REPORT - EXECUTIVE COMMITTEE  
Alberto E. Merrill, Chairman

Chairman Merrill reported that the Executive Committee met prior to the Board meeting and recommends that authorization be given to Mr. Herkner, Mr. Merrill and Mr. Sweeney to attend the annual meeting of the Air Pollution Control Association in Houston, Texas, June 21-25, 1964. Mr. Erickson moved that the recommendation be accepted; seconded by Mr. Chess; carried.

REPORT - PERSONNEL COMMITTEE  
James P. Kenny, Chairman

Mr. Kenny reported that the Personnel Committee met on May 13th and again prior to the Board meeting. He stated the Committee recommends that Mr. John Anderson, representing Planning, and Mr. Philip J. Eldredge, representing General Contractors, be appointed to fill two vacancies on the Advisory Council, and that two other vacancies still exist. He further reported that the Committee recommended to the Budget & Finance Committee that two staff members, not covered by the State Personnel Services Salary and Reclassification Survey, be given salary increases, and that this be incorporated in the 1964-65 Fiscal Year budget. The Committee also recommends the reappointment of Mr. E. Spencer Bodine to the Hearing Board for a three year term. Mr. Kenny moved that the Committee's recommendations be accepted; seconded by Mr. Della Maggiore; unanimously carried.

On motion of Mr. Kenny, seconded by Mr. Chess, Resolution No. 374, "In the Matter of Reappointing E. Spencer Bodine as a Member of the Hearing Board", was unanimously adopted on roll call:

AYES: ABY, HEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS  
HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.

REPORT - BUDGET & FINANCE COMMITTEE  
Leland W. Sweeney, Chairman

Mr. Sweeney presented the Controller's Appropriation Statement and Cash Position of the District as of April 30, 1964, and moved the approval of the Statement; seconded by Mr. Erickson; carried.

Mr. Sweeney stated he was unable to be present at the Budget & Finance Committee meeting on May 13th and called on Dr. Aby to make that report. Dr. Aby reported that the Committee at this meeting reviewed the Preliminary Budget for the 1964-65 Fiscal Year and the objectives and goals as set forth by the Chief Administrative Officer for this period. He further reported that the Committee made





only two changes in the Preliminary Budget with respect to the salaries of two staff members as recommended by the Personnel Committee. He stated the Committee recommends the adoption of the following resolutions:

Resolution No. 375, "In the Matter of Transferring Funds from the Unencumbered Balance of Appropriations to Unappropriated Surplus and Reserve for Capital Outlay". On motion of Dr. Aby; seconded by Mr. Della Maggiore, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.

Resolution No. 376, "In the Matter of Providing for the Continuance of the General Reserve from Year to Year". On motion of Dr. Aby; seconded by Mr. Sweeney, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.

Resolution No. 377, "In the Matter of Carrying Forward Sales Tax Reserve as Encumbered Surplus". On motion of Dr. Aby; seconded by Mr. Kenny; carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.

Resolution No. 378, "In the Matter of Approving the Budget for the Bay Area Air Pollution Control District for the Fiscal Year Ending June 30, 1965(1964-65)". On motion of Dr. Aby; seconded by Mr. Kenny; carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.

Resolution No. 379, "In the Matter of Informing the Constituent Counties of the Bay Area Air Pollution Control District of Financial Contributions, Pursuant to Health and Safety Code Section 24370.1, for the Fiscal Year Ending June 30, 1965". On motion of Dr. Aby; seconded by Mr. Chess, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.

Resolution No. 380, "In the Matter of Authorizing the Execution of an Indenture of Agreement with the City and County of San Francisco". On motion of Dr. Aby; seconded by Mr. Della Maggiore, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE.





Resolution No. 381, "In the Matter of Appropriating Funds from Reserve for Capital Outlay to Motorized Transportation for the Purpose of Purchasing Three Replacement Automobiles, and Authorizing the Purchase of Same". On motion of Dr. Aby; seconded by Mr. Kenny, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS  
HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.

NOES: NONE.

ABSENT: BLAKE.

Resolution No. 382, "In the Matter of Authorizing the Chief Administrative Officer to sell Three Automobiles". On motion of Dr. Aby; seconded by Mr. Della Maggiore, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS,  
HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.

NOES: NONE.

ABSENT: BLAKE.

Resolution No. 383, "In the Matter of Authorizing a Transfer of Funds to Provide for Inadequacies in the Budget". On motion of Dr. Aby; seconded by Mr. Della Maggiore, carried on roll call:

AYES: ABY, CHEATHAM, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS,  
HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.

NOES: NONE.

ABSENT: BLAKE.

REPORT - ADVISORY COUNCIL  
Dr. Grace Talbott, Chairman

Dr. Talbott reported that the Advisory Council held their regular meeting on May 27th at which the Agriculture Committee presented their recommendation on Section 3g of Regulation 1, which the Board had requested the Council to study. She called on Mr. Gilpin, Chairman of that Committee, for the report.

Mr. Gilpin reported that the Agriculture Committee held two meetings on the matter, the first of which was attended by several interested people. He stated that it is the recommendation of the Advisory Council that Section 3g of Regulation 1 be extended to November 1, 1967, unless the Board of Directors at a hearing for that purpose prior to such date, shall have modified, extended or amended this exception, and that it is the further recommendation of the Council that a public hearing be held on this exception prior to November 1, 1964.

After further discussion, Mr. Della Maggiore moved that the report of the Advisory Council be accepted and that Mr. Walker be directed to prepare the necessary resolution in connection with holding a public hearing on this matter before November 1, 1964; seconded by Mr. Chess; carried. Mr. Della Maggiore stated that the Board in accepting the Council's report on this matter is not accepting the recommendation contained therein at this time.





Dr. Talbott in continuing the report of the Advisory Council stated that the Public Health Committee had met on May 19th and that the Council, on the Committee's recommendation, accepted the Statement of the Bay Area Health Officers, Relationship of Bay Area Health Departments to the Bay Area Air Pollution Control District and the State Health Department. She further reported that the Council accepted the Committee's recommendation that they promote the formation of a Committee composed of various groups knowledgeable in air pollution for the purpose of studying the Health Officers' Statement and developing a specific program which would be submitted to the Advisory Council for its recommendation to the Board. She stated the Council also accepted the Committee's recommendation to request the District staff to determine whether a study on the sociological aspects of air pollution has been made or is being made and that if it is not, that they proceed to contact the sociologists at the University of California to determine if they would be interested in making such a study.

Dr. Talbott reported further that the Ad Hoc Committee on Organic Emissions had met on April 8th and May 20th to discuss the need for a regulation on organic emissions.

She further reported that the staff has been requested to arrange educational meetings for Council members during the summer months with speakers well versed in the field of air pollution; that Mr. Cronin and Mr. Gilpin had been selected to attend the APCA meeting in Houston, Texas, and that new officers had been elected for the 1964-65 Fiscal Year with Mr. Bruce Wiggins as Chairman; Mr. John Canevari, Vice Chairman; Mr. Elmer Robinson, Secretary. She stated the next regular meeting of the Council will be September 30th.

REPORT - CHIEF ADMINISTRATIVE OFFICER  
Mr. D. J. Callaghan

A. Monthly Progress Report

Mr. Callaghan called attention to the Compliance Schedule Status as of May 28, 1964, and to a correlating chart, advising that the number of firms now in compliance is 4298, which he stated showed a great deal of progress over the past 11 months. He pointed out the number of incinerators in full compliance is 4174.

Mr. Callaghan in continuing his report called attention to the Technical Services Division report, stating that the trailer to be used as an air monitoring station is now located at the rear of the building and that it would be operating after July 1st when the necessary equipment will be available from the State of California.

Mr. Callaghan called attention to the Enforcement Division report, PI&E Division report, and report on Expenses Incurred by the Staff.





Mr. Cheatham stated a great deal of fine saw dust is emanating from Hudson Lumber Company in San Leandro and he inquired as to the status of this firm. Mr. Callaghan replied that the firm has an approved compliance schedule which requires the firm to be in compliance by August 9, 1964. On inquiry from Mr. Cheatham if the emission of this fine saw dust would be corrected, Mr. Callaghan stated he would advise him on this matter specifically.

Mr. Kenny inquired about the violation notices issued to Tidewater Oil Company. Mr. Callaghan stated that Tidewater Oil has had some very serious operating problems and that there had been the possibility of a merger between Tidewater Oil and Humble Oil Company, after which plant improvements were being contemplated. However, he stated, this merger did not occur and since Tidewater Oil has been in violation of the District's regulation, violation notices have been issued. He stated Tidewater Oil will either have to take corrective action or appear before the Hearing Board.

#### B. Proposed Amendments to Regulation 1

Mr. Callaghan called attention to Regulation 1, stating the Board at their last meeting had requested him to prepare proposed changes to Regulation 1 to close the loopholes now existing in the Regulation. Mr. Callaghan stated that all loopholes would be closed if Section 31 were amended, as follows:

"Except in case of emergency, permits for a setting of any fire or fires permitted by paragraphs (c), (d), (e), and (g), of this Section shall be granted by the Public Official having jurisdiction, and only ~~after consultation with the Air Pollution Control Officer~~ with prior approval of the Air Pollution Control Officer."

Mr. Callaghan advised the Board he was not recommending that such a change be made at this time because the Advisory Council is studying the need for a regulation on organic emissions which would have a definite affect on Regulation 1, if adopted, and further that with the present manpower of the District, the Section, if amended, could not be enforced effectively.

Mr. Chess stated that before amending Regulation 1 he felt all facets should be explored and inquired if all agencies were cooperating with the District. Mr. Callaghan replied that this cooperation has improved over the past 2-3 years.

Mr. Chess suggested that before any action is taken on an amendment to Regulation 1, that the staff meet with the Agricultural Commissioners and Flood Control Districts to discuss the problem and to come to some understanding which might eliminate the need for revising Regulation 1. Mr. Della Maggiore concurred and further felt that the staff should also meet with the Cities, as a group, in each County because he stated much land clearing burning, labeled as agricultural burning, is being done which is not bonafide agricultural burning. Mr. Herkner stated he felt that if a complaint





is received against any specific City that they should be contacted but that he did not believe it was necessary to meet with all the cities on this matter.

Mr. Callaghan advised that most of the District's problems are with Fire Districts and Agricultural Commissioners because under the present Regulation it is not necessary for them to secure the District's prior approval on burning.

After further discussion, Mr. Chess moved that pending further studies on amending Regulation 1, the Chief Administrative Officer be requested to meet, at his discretion, with the Agricultural Commissioners, Reclamation and Flood Control Engineers or Managers, Mayors Council in each County, and other groups, to discuss the problems involved under Regulation 1; seconded by Mr. Della Maggiore; carried on roll call:

AYES: ABY, CHEATHAM, CHESSE, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.

NOES: NONE.

ABSENT: BLAKE.

On inquiry from Mr. Herkner as to the manner in which Mr. Callaghan would meet with these groups, Mr. Callaghan stated he would request each group to include an item on air pollution on the agenda of their regular meeting at which he and/or the staff could appear.

In continuing his report, Mr. Callaghan advised the Board that under Section 17.3 of the Administrative Code he has authorized emergency transfer of funds of \$600. from the Permanent Salary Account to Overtime Salary Account for the Enforcement Division, and \$160. from Office Supply Account to Field Supply Account for the Technical Division.

Mr. Callaghan further advised that the FCC has granted the District a radio frequency through the State of California, and that the car radios should be in operation within the next two weeks.

Mr. Callaghan reported that the State Motor Vehicle Pollution Control Board is meeting in Los Angeles today and that 4 automobile exhaust control devices will be presented to them for certification. He further reported that the automobile manufacturers have said they hope to have an exhaust control device or engine modification for use on new cars by 1967 which will meet the State standards.

REPORT - DISTRICT COUNSEL  
Matthew S. Walker

Mr. Walker referred to his report, Cases Before the Hearing Board and Superior Court, calling specific attention to the cases of Lloyd A. Fry Roofing Co., Trumbull Asphalt Company, Fontana, etal..





APPOINTMENT OF NOMINATING COMMITTEE

Alberto E. Merrill, Chairman

Chairman Merrill appointed Mr. Erickson, Chairman; Mr. Gness and Mr. Sweeney as the Nominating Committee for Board Officers for the 1964-65 Fiscal Year.

COMMUNICATIONS

Secretary Aby

Dr. Aby read a letter from Mr. T. J. Richert submitting his resignation from the Advisory Council. Mr. Chess moved that his resignation be acknowledged and accepted with regret and that this vacancy receive the further consideration of the Chief Administrative Officer; seconded by Mr. Della Maggiore; carried.

OTHER

Mr. Herkner inquired as to the dump fire in process near Candlestick Park. Mr. Callaghan advised that this dump has been burning for 3 days and that attempts are being made to extinguish it.

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Chairman Merrill welcomed Mr. Hermann Gerdts, Mr. Quater of the California Farm Bureau, and Mr. Campbell, to the meeting and inquired if anyone from the audience desired to make a statement.

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Mr. Callaghan advised the Board that this was the last meeting at which Mr. Cheatham would serve as a member of the Board. On motion of Mr. Erickson; seconded by Mr. Della Maggiore, Resolution No. 384, "In the Matter of Expressing the Appreciation of this Board for the Services of Kenneth G. Cheatham" was carried on roll call:

AYES: ABY, CHESS, DELLA MAGGIORE, ERICKSON, GNOSS,  
HERKNER, KENNY, MERRILL, McMAHON, SWEENEY.

NOES: NONE.

ABSENT: BLAKE.

There being no further business to come before the Board, the meeting adjourned at 11:45 A.M.

Respectfully submitted,

Dr. Charles W. Aby  
Secretary, Board of Directors.





BAY AREA  
AIR POLLUTION CONTROL DISTRICT  
1480 Mission Street  
San Francisco 3, California  
KLondike 2-1300

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
October 7, 1964  
10:00 A.M.

1480 Mission Street  
San Francisco 3  
California

M I N U T E S

A regular meeting of the Board of Directors of the Bay Area Air Pollution Control District, and Public Hearing on Regulation 1, Section 3g, were held on October 7, 1964, with the following members being present:

Dr. Charles W. Aby, Sam Della Maggiore, Clarence D. Erickson, William Gness, Sidney D. Herkner, James P. Kenny, Alberto E. Merrill, John A. Ratekin, Leland W. Sweeney.

BOARD MEMBERS ABSENT: William C. Blake, T. Louis Chess, Clarissa S. McMahon.

ADVISORY COUNCIL MEMBER PRESENT: Bruce Wiggins.

HEARING BOARD MEMBER PRESENT: E. Spencer Bodine.

STAFF MEMBERS PRESENT: D. J. Callaghan, Matthew S. Walker, John T. Donovan, Spencer Duckworth, Leslie Hood, Kevin Maloney, Dr. H. C. Wohlers, and Mabel Harder.

OCT 29 1964  
UNIVERSITY OF CALIFORNIA





Chairman Aby called the meeting to order at 10:15 A.M.

On motion of Mr. Della Maggiore; seconded by Mr. Erickson, the Minutes of September 2, 1964, were unanimously approved.

REPORT - EXECUTIVE COMMITTEE  
Dr. Charles Aby, Chairman

Dr. Aby reported that the Executive Committee had met prior to the Board meeting, at which Mr. Callaghan reported that upon further inquiry to Dr. Malcolm Merrill, he was informed that the State Department of Public Health had decided not to submit a request for \$200,000 project research funds in their budget for the coming fiscal year. Dr. Aby stated that in view of this decision, the Executive Committee after discussion decided that no action should be taken on the matter by the District.

Dr. Aby in continuing his report stated the Committee discussed the possibility of requesting certain legislative changes in the Law, and that the Chief Administrative Officer was requested to make a further report on them at the next Executive Committee meeting.

Secretary Kenny was requested to read a letter from Mr. Walter F. Gilpin submitting his resignation from the Advisory Council. Mr. Della Maggiore moved that Mr. Gilpin's resignation be accepted with regret; seconded by Mr. Kenny; carried.

REPORT - PERSONNEL COMMITTEE  
Sam Della Maggiore, Chairman

Mr. Della Maggiore stated the Personnel Committee had met prior to the Board meeting, and recommended that Mr. Anthony J. Tarlock, Manager, Walnut Control Board, San Mateo, be appointed to the Advisory Council to fill the vacancy created as the result of Mr. Gilpin's resignation, and he so moved; seconded by Mr. Gness; carried.

Mr. Della Maggiore stated the Committee recommended that Mr. P. A. Wood, Vice President-Base Maintenance, United Air Lines, Inc. be appointed to the Advisory Council to fill the vacancy created as the result of Mr. Richert's resignation, and he so moved; seconded by Mr. Gness; carried.

REPORT - BUDGET & FINANCE COMMITTEE  
Clarence D. Erickson, Chairman

Mr. Erickson presented the Controller's Appropriation Statement and Cash Position of the District as of August 31, 1964, and moved the approval of the Statement; seconded by Mr. Della Maggiore; carried.



REPORT - ADVISORY COUNCIL  
Bruce Wiggins, Chairman

Mr. Wiggins reported that the Advisory Council met at a regular meeting on September 30th, at which the Public Health Committee presented a report on a meeting which they had with the Bay Area County Health Officers, at which meeting each group appointed an ad hoc committee to work together on the problem of air pollution and health.

Mr. Wiggins further reported that the Technical Committee had been studying the possible need for a regulation on organic emissions, as requested by the Board. He stated the Technical Committee and staff had arrived at a Consensus of Opinion and had presented this report to the Advisory Council, which was then adopted by them at their September 30th meeting. Mr. Wiggins called attention to the report entitled, Consensus of Opinion of Ad Hoc Committee in Connection with the Possible Need for a Regulation on Organic Compound Emissions from Stationary Sources in the Bay Area.

Mr. Wiggins referred to the Public Hearing to be held at 11:00 A.M. on Regulation 1, Section 3g, stating that the Advisory Council had already presented to the Board their recommendation that this Section be extended for 3 years. He stated this recommendation now may be in conflict with the time schedule of a possible organic emissions regulation which may be in effect before the end of the 3 year period.

REPORT - CHIEF ADMINISTRATIVE OFFICER  
D. J. Callaghan

Monthly Progress Report

Mr. Callaghan called attention to the Compliance Schedule Status as of September 30, 1964, and to a correlating chart, pointing out that 18 new firms had been brought into compliance during the month of September, and 79 incinerators. He called attention to the Technical Services Division report, pointing out that 600 follow-up notices had been mailed to possible incinerator operators in Santa Clara, and that about 3000 registration cards will be mailed to possible incinerator operators in San Francisco County. Mr. Callaghan also called attention to the report, Completion of Arsenic Investigation in the Avon-Port Chicago Area, the Enforcement Division Report, PI&E Division report, the September, 1964, issue of "Air Currents", and report on Luncheon and Dinner Expenses Incurred by the Staff in Attendance at Authorized Meetings.

Report on Complaints Received by Motor Vehicle Pollution Control Board in the Bay Area

Mr. Callaghan reported that during August the MVPCB received 190





complaints and inquiries, the majority being from Alameda and Contra Costa Counties. In September they received 37 complaints and inquiries, the majority being from Alameda and San Francisco counties. He stated Mr. Eric Grant, Assistant to the Executive Officer of the MVPCB, was in the audience to answer any questions.

#### Report on Inspection Activities

Mr. Callaghan reported that during the first quarter of this fiscal year the Enforcement Division has completed work on the Bay Area Council's list, bringing as many as 4100 sources into compliance. He stated 3000 firms are now being contacted to obtain additional information. Mr. Callaghan further reported that week end and early morning and evening surveillance has been expanded, pointing out that on 3 week ends with only 4 inspectors doing surveillance work, a total of 70 violation notices were issued. He compared this figure with the total number of violations issued during July of 83, and during August of 79. He stated that the working hours of the inspectors have been staggered so that surveillance is being done between the hours of 6:30 A.M.-8:30 A.M., and 5:00 P.M.-7:00 P.M. He pointed out that this type of surveillance is very costly because it entails paying overtime to the inspectors.

On inquiry from Mr. Erickson, Mr. Callaghan stated that the fire departments are very cooperative with the District in enforcing Regulation 1. On inquiry from Mr. Erickson as to each municipality taking a more active interest in the air pollution problem, Mr. Callaghan stated that the cities could help enforce Regulation 1 on open burning, but that trained personnel are necessary to enforce Regulation 2. After further discussion, Mr. Callaghan stated he would explore the possibilities of obtaining cooperation from the Cities and Counties in the enforcement of Regulation 1. Mr. Callaghan reported that Mr. Paul Brand of the Enforcement Division had contacted agriculturists of Marin and Sonoma Counties concerning agricultural burning, and that Sonoma County has expressed a willingness to cooperate in any air pollution control program.

Mr. Spencer Duckworth, Chief of the Air Analysis Section, was called on to report on the smog episodes which have occurred during the year. He compared the number of warm days this year of 17, with the average of 20; the low wind days of 20 as compared with the average of 26, and he further stated that the number of adverse oxidant days during 1964 were 32 as compared with the average of 29. He said based on simple weather factors, these records cannot be explained. Mr. Duckworth went on to explain an oxidant concentration record chart taken from one of the monitoring stations, pointing out that on a typical smog day, the State standard of .15 ppm is usually exceeded at noon. He reported that 3 all-time station record highs have been set this year.





REPORT - DISTRICT COUNSEL  
Matthew S. Walker

Mr. Walker reported that he attended the annual conference of the National Institute of Municipal Law Officers in Portland, Oregon, September 27-30, 1964.

He called attention to his report, Cases Before the Hearing Board and Superior Court; Office Conference, pointing out that about 60-80 violations were involved in the Stockton and Demicheli cases. He also called attention to the John S. Wickett and Raymond P. Park-Ocean View Lumber Co., Inc. cases, Schwarz Manufacturing Company, Inc., and Tidewater Oil Company. He reviewed for the Board the Superior Court cases of Trumbull Asphalt Company and Lloyd A. Fry Roofing Co. stating that a memorandum decision was received directing that a peremptory writ of mandate be issued to the Hearing Board to set aside its decision. Mr. Walker stated that it was the District's position that the burden of proof was on the Respondent, and that in view of this Superior Court decision, it may be necessary to ask the Board of Directors to amend Regulation 2 so that the burden of proof is assumed by the operator.

COMMUNICATIONS  
Secretary Kenny

Mr. Kenny reported there were no communications.

PUBLIC HEARING  
Regulation 1, Section 3g

Chairman Aby opened the Public Hearing at 11:05 A.M., stating the purpose of the Hearing was to determine whether Section 3g of Regulation 1, which expires November 1, 1964, should be extended, terminated or modified.

Secretary Kenny was called on to read the communications. He read a letter from Mount Hamilton Range Improvement Association, San Jose, California, requesting an extension of Section 3g, and from Gerber Ranch, Livermore, California, requesting an extension of the Section for an indefinite period.

Mr. Walker filed with the Clerk 6 Affidavits of Publication of Notice of Public Hearing.

Chairman Aby called on Mr. Callaghan for a report. Mr. Callaghan called attention to the report entitled, Public Hearing on Section 3g of Regulation 1. He pointed out that Regulation 1 was adopted on March 20, 1957, and that Section 3g had been extended 8 times. He further stated that the Advisory Council had recommended to the Board that Section 3g be extended for 3 years, until 1967, using the same wording as now appears in the Section. He also pointed out that the Advisory Council has adopted a position as set forth in the Consensus of Opinion report that it is equitable to develop



controls on agricultural operations and backyard burning at the same time as developing controls on all industrial organic compound emissions and that they have further proposed that these controls be imposed concurrently with that of the control of exhaust emissions from gasoline-powered automobiles.

Mr. Callaghan stated that it is the staff's position that this Section be extended to November 1, 1967, and that the exception then be terminated on that date. He pointed out that automobile exhaust devices will become mandatory on all 1966 model cars, and that after the Section's termination, the agricultural interests could seek a variance from the Hearing Board.

Mr. Della Maggiore pointed out that land developers are given permission to burn because the material is agricultural but that these people are not bonafide agriculturists under the exception.

Mr. Callaghan further reported that approximately 150 tons per day of organics are being emitted to the atmosphere during the months of July to December because of range stubble burning and orchard prunings burning. Mr. Callaghan stated a staff review has disclosed practically no research or development of alternate methods of disposal of agricultural wastes and that such research should be encouraged.

Chairman Aby requested statements from any opponents to the extension of Section 3g, Regulation 1. There was no reply.

Chairman Aby requested statements from any proponents to the extension of Section 3g, Regulation 1. The following people made statements:

Mr. John J. McElroy  
University of California, reporting for  
Mr. Victor Osterli, Program Leader  
Special Projects, Agricultural Extension  
Service  
University of California  
Berkeley

Mrs. Hazel J. Williams  
cattle rancher  
Mount Hamilton

Mr. Hermann Gerds  
Santa Clara County Farm Bureau

Mr. Ratekin departed at 11:45 A.M.





Mr. Roy Parks  
sheep rancher  
Tomales, Marin County  
representing Farm Bureau of Marin County,  
and California Wool Growers Association  
of Marin County

Mr. Richard Straw  
Marin County Agriculture Commissioner

Mr. Ernest M. Ornellas, Executive Vice President  
Builders Association of Santa Clara-Santa Cruz  
Counties

After Mr. Ornellas made his statement, Mr. Della Maggiore suggested that this Builders Association meet with the University of California personnel and the District staff to discuss the problem which the Builders Association has as the result of FHA requirements that land must be completely cleared before building to rid it of termites. Mr. Sweeney suggested that other home builders associations also be invited, and Mr. Ornellas said he would be glad to act as coordinator with the other Associations for such a meeting.

Mr. Robert J. Bauge, General Manager  
Jackson & Perkins Co.  
Livermore

Following the above statements, Mr. Callaghan again emphasized that research on alternative methods of agricultural wastes disposal should be done, and that the Farm Bureaus should work more closely with the firms producing insecticides in order to try to arrive at a solution.

Mr. Della Maggiore then moved that the Hearing be closed; seconded by Mr. Erickson; carried.

Chairman Aby called for discussion from Board members.

Mr. Della Maggiore stated he did not object to the use of the word "termination" being used in this extension of the exception, and stated it should be understood that if a 3 year extension were granted that at the end of that period the Board could, after receiving a report on progress made by the various groups in developing alternate methods of disposal, have another hearing to determine if the Section should again be extended. He suggested that Mr. Callaghan report to the Board every 6 months as to progress being made on such research. Mr. Sweeney concurred, stating he felt a time limit on the exception should be set. Mr. Erickson stated that variance procedures are available and he felt that this ex-





tension should be for 2 years with termination of the exception at the end of that time. Mr. Herkner concurred, stating that if the situation remains the same, the Board would be receptive to another hearing at the end of 2 years.

After further discussion, Mr. Della Maggiore moved that Section 3g of Regulation 1, be extended until November 1, 1967, and then terminated, and further that the Chief Administrative Officer furnish a report to the Board every 6-8 months on the progress of research being made on the problem; seconded by Mr. Sweeney.

Mr. Erickson moved to amend the motion to extend Section 3g until November 1, 1966; seconded by Mr. Kenny; carried on roll call:

AYES: ABY, ERICKSON, HERKNER, KENNY, MERRILL  
NOES: DELLA MAGGIORE, GNOSS SWEENEY  
ABSENT: BLAKE, CHESS, McMAHON, RATEKIN

Mr. Erickson moved that Resolution No. 390, "In the Matter of Continuing in Effect Section 3g of Regulation 1 and Providing a Final Termination Date for Section 3(g)", be adopted; seconded by Mr. Herkner; carried on roll call:

AYES: ABY, DELLA MAGGIORE, ERICKSON, GNOSS, HERKNER,  
KENNY, MERRILL, SWEENEY.  
NOES: NONE.  
ABSENT: BLAKE, CHESS, McMAHON, RATEKIN

The time and place of the next regular meeting were set for 10:00 A.M., October 28, 1964, which will be the November regular meeting of the Board, at 1480 Mission Street, San Francisco.

There being no further business to come before the Board, on motion of Mr. Della Maggiore; seconded by Mr. Erickson; carried, the meeting adjourned at 1:05 P.M.

Respectfully submitted,

James P. Kenny  
Secretary, Board of Directors.

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